

#1 AP 10/25/02

PATENT

Docket No. 500852000101

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office 703/308-4242, Attn: Examiner C. Collins on October 24, 2002.

LILIA OLSEN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Robert BARHAM and David JOYNT

Serial No.: 09/869,002

Filing Date: June 22, 2001

For: HEAT TOLERANT BROCCOLI

Examiner: C. Collins

Group Art Unit: 1638

OFFICE
FAX RECEIVED
OCT 25 2002
GROUP 16M

RESPONSE TO RESTRICTION REQUIREMENT

MAILED OCTOBER 3, 2002, PAPER 6

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action with a species election dated October 3, 2002, Paper 6, for which a response is due on November 2, 2002. This response is therefore timely filed. Please enter the following remarks.

REMARKS

Reconsideration is respectfully requested. The Examiner has issued a species election requirement. Contrary to the Examiner's position, the species listed by the Examiner do relate to a single general inventive concept under Rule 13.1. The Examiner asserts that the technical

Serial No. 09/869,002
Docket No. 500852000101